

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

6979USP1

In re Application of: Madar, et al.

Application No.: 10/788,993

Filed: February 27, 2004

for: Pharmaceutical Compositions as Inhibitors of Dipeptidyl Peptidase-IV (DPP-IV)

The owner, Abbott Laboratories, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 11/036,258, filed on 01/13/05, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application." In the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 50,382


Signature

2/5/07
Date

Andrew M. Parial
Typed or printed name

(847) 935-8337
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-SB-2038.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/98 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.16. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

Applicants: Madar, et al.

Serial No.: 10/788,993

Filed: February 27, 2004

Title: PHARMACEUTICAL
COMPOSITIONS AS INHIBITORS OF
DIPEPTIDYL PEPTIDASE-IV (DPP-IV)


Case No.: 6979USP1

Group Art No.: 1626

Examiner: Shiao, Rei Tsang

Certificate of Electronic Filing:
I hereby certify that this paper (along with any
paper referred to as being attached or enclosed) is
being electronically filed with U.S. Patent and
Trademark Office on:

Date of Deposit: February 5, 2007


LaShae Lewis Date: 2/5/2007

DECLARATION


Dear Sir:

In addition to the terminal disclaimer filed herewith and pursuant to 37 CFR §1.130, Applicants confirm that the present application (U.S. Serial No. 10/788,993) and co-pending U.S. Serial No. 11/036,258 are commonly owned by Abbott Laboratories.

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR §1.16, as well as any patent application processing fees under 37 CFR §1.17 associated with this communication for which full payment had not been tendered, to Deposit Account No. 01-0025.

Respectfully submitted,
Madar, et al.

ABBOTT LABORATORIES
Customer Number 23492
Telephone: (847) 935-8337
Facsimile: (847) 938-2623


Andrew M. Parial
Registration No. 50,382
Attorney for Applicants